REMARKS:

This communication is in response to the detailed office action dated November 2, 2004, wherein the Examiner rejected all pending claims, claims 1-3, under 35 U.S.C. § 102(b) as being anticipated by Okamoto *et al.* (U.S. Patent No. 5,012,770).

The rejection is respectfully traversed. The Examiner states that Okamoto *et al.* discloses each limitation and element of the claims. The Applicant respectfully disagrees. Okamoto *et al.* discloses an intake apparatus wherein the intake collector is fixed to the engine body, and wherein a throttle body is connected to a side mounting flange. This side mounting flange is, in turn, indirectly connected via brackets to the engine (cylinder head and cylinder block). Okamoto *et al.*, col. 3, lines 17-44.

In contrast, the instant application claims a throttle body mounting flange integrally formed with a boss part that is fixed directly to the engine and has direct contact with the engine. In one embodiment, the boss part is fixed directly to the engine by a locking bolt. See Specification, paragraph [0013] and FIGs. 1 and 2. Unlike Okamoto *et al.*, which relies upon brackets to connect the throttle body's side mounting flange to the engine (cylinder block and cylinder head), the instant application discloses a direct connection of the throttle body mounting flange by attaching the flange's integrally formed boss part to the engine, for example, by a locking bolt. By attaching the flange (and thus the intake system) directly to the engine, the structure disclosed in the instant application provides greater stability than a structure, such as that disclosed in Okamoto *et al.*, that must rely on intermediary components, such as brackets.

Accordingly, Okamoto *et al.* does not anticipate the claimed subject matter of the instant application. Unlike the instant application, Okamoto *et al.* does not disclose a direct attachment with direct contact of the side mounting flange to the engine. In contrast, Okamoto *et al.* discloses the use of brackets as intermediary components in the attachment of the side mounting flange to the engine. In light of at least this difference, Okamoto *et al.* does not anticipate the claimed subject matter of the instant application.

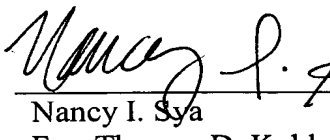
Independent claim 1 of the instant application has been amended to emphasize the direct contact of the integrally formed boss part of the throttle body mounting flange to the engine block. With the present amendment and the above argument, the Applicant believes independent claim 1 and it's dependent claims 2 and 3 of the instant application are now

allowable. Therefore, the Applicant respectfully requests the rejection be withdrawn and the claims allowed.

Should the Examiner have any continuing objections or concerns, the Examiner is respectfully asked to contact the undersigned at 415-442-1106 in order to expedite allowance of this case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0164).

Respectfully submitted,

Date February 2, 2005



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